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STATEMENT OF SENATOR MIKE MANSFIELD (D-MONT.)

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Mr. Chairman:

As our society enters a new decade, the American people are confronted with and confused by some of the most complex issues we have ever faced in our history. Increased crime, drug addiction, a widening gulf between our congested urban areas and the sparse rural sections of the Nation, student unrest, and open debate about the necessity of our country's foreign involvement constitute some of these problems. One of the more recent and widely discussed problems we face today is the protection of a person's right of privacy. This goes beyond protection of individual legal rights and concerns protection of our citizens from unwanted invasions of their privacy in the form of unsolicited, obscene, pornographic literature.

In the past several years there has been a tremendous increase in indiscriminate mailing of obscene literature through the United States mails. These mailings go out under any number of mailing lists and in most cases receive the protection given First Class mailings. The advertisements and circulars are offensive to the general moral standards of most citizens. There must be some way to protect the individual and, especially the young people, against this kind of solicitation. Yet, what we do must also recognize the privacy of the United States mails. I believe that we must hit hard at the purveyor and give the receiver some means of recourse.

My mail on this general subject has been extremely heavy during the past year, and I have given the issue a great deal of thought. Several months ago I introduced S. 3220, which proposes protection of a person's right of privacy by requiring that all mailings containing obscene or offensive mail be so designated. This would enable the obvious identification of the sender and would also give a person the right to make his opposition known by returning unopened mailings and insisting that his name be removed from mailing lists. This open solicitation of sales for this kind of material would seem to make the sender more cautious in his mailing methods.

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This labeling legislation, as proposed in S. 1220, would give the individual an opportunity to react without being embarrassed or offended. The identification of obscene mailings may not be the simplest method, but it would require an enforcement and strong action against those purveyors who do not meet the labeling requirements. I do believe it is a step in the right direction---one which still protects a basic element in our democratic society, the right of privacy. I am delighted that the Committee on Post Office and Civil Service has scheduled this hearing because I feel that these Committee deliberations can place the issue in its proper perspective and, hopefully, will come up with legislation which will provide for some protection of the unsuspecting boxholder and place the responsibility of keeping this material out of the mail on the sender.

My proposal would compel the filth peddler to mark the envelope he uses---the one that is now often blank---with a warning that the enclosure could be obscene or offensive. With such a warning there can be no mistake. The addressee is fully alerted. He would be put on notice, as would his entire household. He would know and his family would know that what is inside may violate his standards of decency and those he wishes to impress upon his children. And that is his right.

May I say that such a warning is not new to the legislative field. It has already been imposed by the Congress in the case of cigarettes. Indeed, without even deciding that there is a danger involved in smoking, cigarette manufacturers are compelled to warn each purchaser of a possible hazard. By the same token, under my bill, it need not be decided that the material enclosed is obscene, per se. But if there is that possibility, then the envelope must say in plain and simple words, "The Enclosed Material May Be Obscene or Offensive to the Addressee."

A second feature of my proposal would permit the addressee of obscene mail to return the matter to the sender, without charge. And it is left up to the addressee himself to decide what violates his standard of decency. The return mail fee would be paid by the original sender---the pusher, in other words---with an additional handling charge.

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Finally, violators of either of these provisions would be met with a penalty of \$5,000.

This is legislation which I would like to see reported to the Senate before adjournment. The Senate has already taken action in the area of drug control and crime. I firmly believe that we also must meet head-on the issue of mass mailings of obscene literature to minors and the unsuspecting. Again, I wish to thank the Committee for further consideration and I wish to offer the Leadership's cooperation in bringing about early legislative action on this most serious issue.